SIKKIM



GAZETTE

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No. 255

IN THE HIGH COURT OF SIKKIM GANGTOK

No.15/ JUDL/HCS

GOVERNMENT

Dated: 03/07/2009

NOTIFICATION

In exercise of the powers conferred by Section 8 of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955 as amended by the Adaptation of Sikkim Laws (No.1) Order 1975 and all other powers enabling in this behalf, the High Court of Sikkim makes the following Rules to amend the Sikkim High Court (Practice and Procedure) Rules, 1991.

1. Short Title and Commencement

- (a) These Rules may be called the "Sikkim High Court" (Practice and Procedure) Amendment Rules, 2009".
- (b) These Rules shall come into force with immediate effect.

2. Amendment of Rule 2

(i) In Rule 2, the existing Rule 2 shall be renumbered and inserted as Rule 241 after the existing Rule 240.

3. Amendment of Rule 6

- (i) In the existing Rule 6 the words "section and" shall be deleted and the words "Provision of" shall be inserted before the word "enactment".
- (ii) Further the word "section" appearing after the words "specify the" shall be deleted and the word "provision" shall be inserted in its place.
- (iii) The words "wherever applicable" shall be inserted after the words "of the enactment"

4. Amendment of Rule 10

- (i) In Rule 10 the word "Endorsement" appearing as heading shall be deleted and substituted by the word "Registration".
- (ii) The word "presentation" appearing after the words "showing the date of" shall be deleted and substituted by the word "registration".
- (iii) Further the words "in the registrar shall then cause it to be entered" appearing after the words "to be entered" shall be deleted.

5. Amendment of Rule 17

The existing Rule 17 shall be deleted and be substituted by the following:

"Language of Application:

All applications to be filed shall be in the English language and duly stamped with a Court fee label of Rs.10/-"

6. Amendment of Rule 18

In Rule 18 the words "the Court" appearing after the words "pending before" shall be deleted and substituted by the word "it".

7. Amendment of Rule 19

Rule 19 be deleted

8. Amendment of Rule 22

- (i) The words "and shall be in the format F.1 prescribed for Writ Petitions", shall be added after the words "Sikkim at Gangtok."
- (ii) The existing Clause (2) and Clause (3) shall be deleted.

9. Amendment of Rule 25

In Rule 25 the word "foot" appearing after the words "specify at the" shall be deleted and substituted by the word "end".

10. Amendment of Rule 26

In Rule 26 the word "foot" appearing after the words "writing at the" shall be substituted by the word "end".

11. Amendment of Rule 27

In Rule 27 the words "one or more" appearing after the words "supported by" shall be deleted.

12. Amendment of Rule 32

- (i) In Rule 32 the words "and 2" shall be entered after the words "Rule 1".
- (ii) In clause (f) of Rule 32 the "full stop" appearing after the word "valuation" shall be deleted and substituted by a comma and consequently the capital letter "I" appearing in the word 'In" be replaced by letter "i" appearing before the words "the Memorandum"
- (iii) In Clause (g) the word "or" appearing after the word "appeal" in three places in the sentence be deleted and replaced by a "comma" and the words "or review" be inserted after the word "revision" in all the above stated places.

13. Amendment of Rule 34

In clause (2) of Rule 34 the word "foot" appearing after the words "at the" shall be deleted and substituted by the word "end".

14. Amendment of Rule 36

- (i) The word "judgment," shall be inserted after the words "against the"
- (ii) The word "certified" be added after the words "accompanied by".

15. Amendment of Rule 40

The words "Consequence of" appearing in the heading of Rule 40 shall be deleted and substituted by the words "When a".

16. Amendment of Rule 45

(i) In Rule 45 the sign & word "/petition" shall be inserted after the words "such application".

17. Amendment of Rule 49

(i) In Rule 49 the word "concerned" shall be inserted after the words "Advocate General or" and the words "Additional Advocate General" shall be deleted.

18. Amendment of Rule 51

(i) The words "supported by an affidavit or attested copies" shall be deleted and the words "to the effect" shall be inserted after the word "averment".

(ii) Further the following sentence shall be inserted after the last sentence "such application shall be supported by an affidavit and certified copy of the relevant order".

19. Amendment of Rule 52

- (i) The words "Records not to be sent for" occurring in the heading of the Rule shall be substituted by the words "Calling of records".
- (ii) The words "be refused" occurring after the word "shall" shall be deleted and in its place the words "not be entertained" shall be inserted.
- (iii) The word "If" in the beginning of the last sentence shall be deleted and substituted by the words "When such petition is".
- (iv) The words "should not be sent for unless a judge specifically so orders" occurring in the same sentence shall be deleted and the words "of the lower court shall be called for only if so ordered by the court" shall be inserted.

20. Amendment of Rule 53

(i) The last sentence beginning with the words "The petition" and ending with the words "be stated" shall be deleted and be substituted by the following:-

"The petition shall be accompanied by an affidavit of service in case service has been effected, if no service has been effected, the reasons thereof."

21. Amendment of Rule 54

- (i) In clause (2) of Rule 54 after the word "prepare" the words "as many" be inserted.
- (ii) After the word "of the Court" the words "as required" be inserted.
- (iii) After the words "and the" the letter "s" be inserted in the word "other".
- (iv) After the words "cost to the" the letter "s" be added to the word "Advocate" and the word "first" appearing after the words "for the" be deleted.
- (v) In clause (3) of Rule 54 after the words "book shall contain" the words "the charge-sheet including" shall be inserted.

22. Amendment of Rule 55

(i) In clause (2) the words "and any other relevant documents" shall be inserted after the words "letter of reference".

Clause (3) be added as follows:

"(3) The paper book shall be prepared by the parties concerned, or the Registry, as may be directed

by the court".

23. Amendment of Rule 56

The words "or a Bench of Magistrate" occurring after the word "Magistrate" shall be deleted.

24. Amendment of Rule 57

The numericals "374 (4)" appearing in the first part of the sentence shall be deleted and substituted

with the numericals "378 (4)" and the words "Advocate General" shall be deleted and substituted by

the words "or the concerned Public Prosecutor".

25. Amendment of Rule 59

In clause (2) the words "on the face thereof" appearing after the words "agent shall state" shall

be deleted.

26. Amendment of Rule 60

The heading of Rule 60 shall be deleted and in its place the following shall be inserted "Procedure

when the application or memorandum of appeal does not conform to the Rules".

By order.

Meenakshi M. Rai Registrar General

